

SENATE JOINT RESOLUTION 2
By Burks

A RESOLUTION to propose an Amendment to Article I, of the Constitution of Tennessee, for the exclusive purpose of establishing certain constitutional rights to which victims of crime are entitled and authorizing the general assembly to enact legislation to define, enforce, implement and protect such rights.

WHEREAS, the Ninety-Ninth General Assembly considered and passed House Joint Resolution No. 14 which proposed an amendment to Article I, of the Constitution of Tennessee relative to the rights to which victims of crime are entitled; now, therefore;

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a two-thirds majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that the Constitution of Tennessee be amended as follows:

By adding the following language to Article 1 as a new section:

To preserve and protect the rights of victims of crime to justice and due process, victims shall be entitled to the following basic rights:

1. The right to confer with the prosecution.
2. The right to be free from intimidation, harassment and abuse throughout the criminal justice system.
3. The right to be present at all proceedings where the defendant has the right to be present.

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4. The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly.
5. The right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person.
6. The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.
7. The right to restitution from the offender.
8. The right to be informed of each of the rights established for victims.

The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section.

BE IT FURTHER RESOLVED, That the General Assembly has the authority to enact laws to provide that a judge, attorney for the state, law enforcement officer or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this section.

BE IT FURTHER RESOLVED, That the failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal, new trial, post-conviction relief or habeas corpus nor shall it be construed to authorize a court to set aside, reverse, vacate or void a finding of guilt, or an acceptance of a plea of guilty in any criminal case.

BE IT FURTHER RESOLVED, That nothing in this section shall be construed as creating a cause of action for money damages against the state, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The General Assembly has the authority to provide for other remedies to ensure adequate enforcement of this section.

BE IT FURTHER RESOLVED, That the foregoing amendment shall be submitted to the people at the next general election in which a Governor is to be chosen, the same being the 1998 November General Election and the Secretary of State is directed to place such amendment on the ballot for that election.